IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal (Lodg.) No.246 of 2007
In
Court Receiver Report No.61 of 2007
In
Suit No.4913 of 2000

Rashid Sattar Oomerbhoy. .. Appellant

Vs.

Majid Ahmed Oomerbhoy & Ors. .. Respondents

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Shri Shailesh Shah with Tasneem Saria i/b M/s.S.K.Srivastav & Co. for the Appellant.

Ms Manjiri Shah with Mr.Jariwala i/b Thakore & Jariwala & Associates for Respondent No.1.

Ms Deepali Wakde i/b M/s.S.Mohamedbhai & Co. for Respondent Nos.2, 3, 4(a) and 4(c).

Shri A.N.Maniyar for Respondent No.4(b).

Shri D.V.Deokar, 1st Assistant to Court Receiver present.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 23RD MARCH, 2007

P.C.

1. Leave to delete Respondent No.5. Amendment to be carried out forthwith.

2. Heard. Admit.

3. Ms Manjiri Shah for Respondent No.1, Ms

Deepali Wakde for Respondent Nos.2, 3, 4(a) and 4(c) and Shri Maniyar for Respondent No.4(b) waive service. The 1st Assistant to Court Receiver present.

4. By consent, the appeal is taken up for final disposal forthwith.

5. By consent, the impugned order is quashed and set aside and the matter is remanded to the Learned Single Judge to give an opportunity to the appellant to submit his say on the Court Receiver’s Report as well as Architect’s Report and thereafter to dispose of the matter in accordance with the provisions of law. We make it clear that we have not expressed any opinion on any of the points sought to be raised by the parties in the matter and all issues are kept open.

6. However, it is made clear that the advocates for the appellant and the respondents have stated that the parties have no objection for entry of the Court Receiver in Flat No.2B also for proper enforcement of the orders which are passed or which may be passed in the matter.

7. Order accordingly.

(D.G.KARNIK,J) (R.M.S.KHANDEPARKAR, J)